

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

District of ArizonaTucson, Division

FILED	LODGED
RECEIVED	COPY
FEB 29 2024	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Case No.

CV-24-00122-TUC-JGZ

(to be filled in by the Clerk's Office)

Bernard Thomas Henry Jr

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ NoDeprive of rights under the color of lawConspiracy to Conspire

Judge Ronald Newman Pima County Consolidated US 18 title 42 section 1983  
Judge Victoria Steele Pima County Consolidated US 18 title 42 section 1985  
Judge Gary Cohen Superior Court of Appeals US 18 title 42 section 1986  
Attorney Christopher Jeffrey Cynthia Daly Chapter 21  
Gra Bartlett Tucker, Russell Daly

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Judicial Malfeasance with intentional  
Misconduct to use Judicial Discretion  
and Judicial over reach to deprive due  
Process and Equal Justice of law  
causing serious Bodily Injury  
Intentionally Depriving Utilities Gas -  
ing Serious Health  
CRISIS

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name  
Address

Bernard T. Henry Jr  
702 S. 6th Ave Homeless by Deprivation  
Tucson AZ 85701  
City State Zip Code

County  
Telephone Number  
E-Mail Address

Pima  
520 535 6323  
bernardthomashenryjr@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name  
Job or Title (if known)  
Address  
County  
Telephone Number  
E-Mail Address (if known)

Gio Berthett-Tucker  
Owner of which I have signed Binding  
Property lease Agreement P.O. Box 0752  
RAHAMA NM 87321  
City State Zip Code  
McKinley County  
gioberthett@icloud.com

☒ Individual capacity ☐ Official capacity

**Defendant No. 2**

Name  
Job or Title (if known)  
Address  
County  
Telephone Number  
E-Mail Address (if known)

Cynthia Delly  
Owner who I have no lease with  
By 752 RAHAMA NM lease lawyer  
325 W. FRANKLIN ST 115  
Tucson AZ 85701  
City State Zip Code  
McKinley County

☒ Individual capacity ☐ Official capacity  
cynthiadelly@outlook.com

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## Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Judge Ronald Newman  
 Pima County Consolidated Justice Court Elections  
 240 N STONE AV  
 Tucson City AZ 85701  
 Pima  
 520 724 3501

☐ Individual capacity☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Judge Gary Cohen  
 Superior Court of Appeals  
 1100 Congress St  
 Tucson City AZ 85701  
 Pima  
 520 724 8021

☐ Individual capacity☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Deprivation under the color of law to infringe upon a person based on fraud by conspiracy with others by denying equal justice and due process of law also tried to deprive us of the federal, state, and constitutional rights

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Defendant 5 Judge Victoria Steele  
Pine County Consolidated Justice  
Court  
240 N. Stone Ave Vernon AZ 8701  
Pine County

Defendant 6 Russell Dohy  
Box 752 Lamont NM 87321  
McKinley County

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*Doner Eric Berthelt-Tucker in spite of our signed Property lease agreement conspired with others to manipulate the court through fraudulent claim of breach of lease agreement filed by Cynthia Daly and her lawyer, Judge Ronald Newman assisted and permitted the fraud to find his judicial over reach lying to the Appellate Court making false statements*

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

*Doner Eric Berthelt-Tucker convince their lawyer to file false statements and claims to the court which we by fraud to steal prepaid rent and take the paid property*

- A. Where did the events giving rise to your claim(s) occur?

*Back my Mother's home the Sisters were in the were aware were false, to stop fires they were in Civil Court for, for failure to comply with County Violations which they used to conspire to use that case to falsely slander tenant who's lease clearly protected him from such fraud, but for the violation of due process in court to assist the false statement of breach of lease process in*

- B. What date and approximate time did the events giving rise to your claim(s) occur?

*On 05/13/22 Judge Ronald Newman found No in Breach of a Lease Agreement of which neither was present, instead excluded my lease with another owner, Illegally used it against me to support the the owner who file fraudulent claim of lease knowing it was untrue*

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

*I was humiliated, forced to live on the property through a bid all bond without water and power which the court was fully made aware but had no care for the tenant, Plaintiff's health and safety when a fire was lit on my trailer while I was sleeping, without power to call out for help or water to put out the fire. Luckily put out the fire using my body suffering 1st 2nd, 3rd degree burns which has left my body deformed, but No Court, or Judge has cared, even after being*

*Then Judge Ronald Newman made false statement to the Appellate Court to manipulate Appellate Rule as clearly Judge Gary Cohen clearly participates in the Repragations under the color of law*



#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

crashed directly by flight as I have case with  
912 bertlett foster which was cost away as if it  
means nothing

Suffered 1st 2nd 3rd degree burns, causing deformity  
Repeated health and Mental Stress and Abuse  
Made homeless and My Stolen Pandemic  
Unemployment Money which I refused to  
lose 2nd Bills paid off for owner,  
which lease agreement said would go  
towards future Rent, Plus Deposits  
2nd fire damage and theft of my trailer from the  
property

#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Payment for loss of Property, Reimbursement  
for lease of All paid in Used Lease Rent, Pay-  
ment for Deprivation of water & power  
Repayment of Bills ~~paid~~ Paid in good faith  
Rent, judicial sanctions and Attorney Chri-  
stopher Jeffery Sanctioned for filing and  
on the court 2d Participating in a Con-  
spiracy to defraud

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

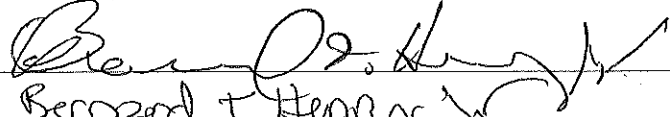
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

02/29/24

Signature of Plaintiff

Printed Name of Plaintiff

  
 Bernard T. Henry
**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address